



Ordinance No. O2016-06-003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, AMENDING CITY DEVELOPMENT STANDARDS CODE SECTION 8-8-4 "WATER FACILITIES" TO ADD SUBSECTION (D) RELATING TO WATER MODELING. (P & Z)

BE IT ORDAINED by the Mayor and the Council of the City of Nogales, Arizona, as follows:

Section 1: Nogales Development Standards Code Section 8-8-4 "Water Facilities" is hereby amended to add new subsection (D), which shall read as follows:

D. Water Modeling: When in the opinion of the Utilities Director a water modeling report would be of substantial assistance in determining the adequacy of current and proposed water facilities benefiting the project, the developer shall pay the reasonable engineering costs incurred by the City to obtain a water modeling report for the proposed project from the City's selected outside engineering firm.

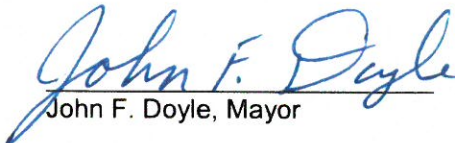
Section 2: All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Section 3: This Ordinance shall take effect thirty days from enactment.

Section 4: In the event any provision in this ordinance is held invalid by any court of competent jurisdiction, the remaining provisions in this ordinance shall be deemed severable and shall remain in full force and effect.

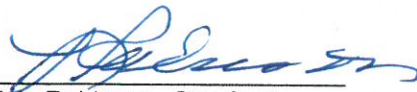
Section 6: The City Clerk is directed to publish the text of this Ordinance in a newspaper of general circulation for two (2) consecutive weeks after its effective date, and further to post a copy of this Ordinance in three (3) or more public places within the City

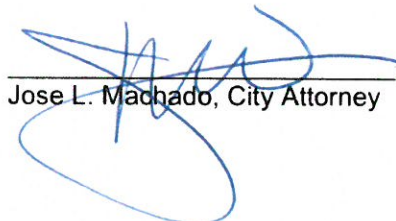
PASSED, ADOPTED, AND APPROVED by the Council of the City of Nogales, Arizona, this 08th day of June, 2016.


John F. Doyle, Mayor

ATTEST:

APPROVED AS TO FORM:


Leticia Robinson, City Clerk


Jose L. Machado, City Attorney

STAFF SUMMARY

SUBJECT: Ordinance Water Modeling costs

BACKGROUND:

Pursuant to ADEQ regulations, all potable water distribution systems must be designed to maintain and shall maintain pressure of at least 20 pounds per square inch at ground level at all points in the distribution system. R18-5-502(B).

All new developments place additional system demands on the City's water utility. For commercial developments, at the planning stage the developer and the City rely on "water modeling" programs that incorporate data supplied by the City (basically, current system configuration and existing demands) to estimate and plan for how the proposed development will affect the system. For example, the water modeling results may show that the size of the proposed water lines serving the development may have to be increased, or additional off-site improvements may be identified that are needed to maintain current level of system operation.

The utilities department has consistently used two Tucson engineering firms to run its water models: Stantec and WestLand Resources. Because of this repeated exposure to the City's water utility, both firms now have substantial internal knowledge that assists them in providing accurate water models. Developers for the most part have made no objection to funding the cost of water modeling, which typically is around \$2,500. This is an important part of the utilities plan review process.

However, one local developer includes two engineers as its principals (Joe and Jim Barr) and they insist that they have the knowledge and expertise to run water modeling computations, and that when they submit their stamped results, they should be automatically accepted by the City. But while both are engineers, neither one has done water modeling professionally and there is a lot of risk to the system if as a result of additional water demands, the system may become under-pressurized. This could damage the system itself as well as seriously disrupting water delivery to system users.

Therefore, Utilities Director Lee Jacobs is not willing to accept the water modeling results submitted by the Barrs or other developers, even if stamped, without further review and always requires either Stantec or WestLand to do the water modeling prior to approving the proposed water improvement plans submitted for commercial developments. Either the cost of water modeling is imposed on the developer that is creating the new demand and the need for estimating how the new demand affects the system as a whole, or the current users will have to bear this cost of development. Both Arizona law and the City's zoning code in general support the principle that developers should pay for the cost of plan reviews; however, the proposed code amendment would provide explicit authority that the water improvement plans will be reviewed by engineers approved by the City and the reasonable cost thereof must be borne by the developer.

STAFF RECOMMENDATION:

Staff recommends that the Ordinance Amendment, as presented, be adopted.

SUGGESTED MOTION:

"I move to approve Order No: O2016-06-003"

CITY OF NOGALES
Planning & Zoning Commission
P&Z Case #: PLN16-0010
"Water Modeling"
DATE: 5/17/2016

<u>MEMBERS</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NEY</u>
Linda Rushton	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓
Dina Sanchez	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓
Bill Stout	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>
Thomas Bell	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>

REMARKS:

Public Hearing held on the proposed amendment to the zoning code.

Mr. Jim Barr and Mr. Joe Barr spoke against the proposed zoning code amendment because they do not want the costs of water modeling transferred to the developer.

Utilities Director Lee Jacobs and Deputy City Attorney Michael Massee gave a staff report, explaining that water modeling is a necessary aspect of reviewing and approving water development plans that benefit a specific development, and that if this cost is not paid by the developer then the City water utility will be forced to pass this cost onto the ratepayers as a whole.

MOTION:

MOTION TO **adopt amendment as presented** BY **Thomas Bell**
MOTION SECONDED BY **Bill Stout**

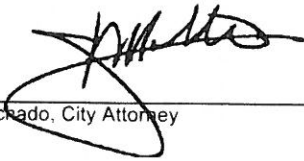
MOTION TO **adopt as presented** HAS BEEN DEFEATED; No
recommendation made to Council on the proposed amendment

ORDINANCE No. O2016-06-003

First Reading: 06-01-2016

Second Reading: 06-08-2016

Approved: 06-08-2016



Joe Machado, City Attorney

5/27/2016



Alejandro Barcenas, Public Works Director

5/27/2016



Carlos Rivera, City Manager

5/27/2016